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**U.S. District Court
Eastern District of Virginia - (Alexandria)
CIVIL DOCKET FOR CASE #: 1:11-cv-00732-TSE-IDD**

Sieverding v. United States Marshals Service
Assigned to: District Judge T. S. Ellis, III
Referred to: Magistrate Judge Ivan D. Davis
Cause: 05:552 Freedom of Information Act

Date Filed: 07/11/2011
Date Terminated: 04/06/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Kay Sieverding

represented by **Kay Sieverding**
3411 Mourning Dove Lane
Jacksonville Beach, FL 32250
608-616-9133
PRO SE

Defendant

United States Marshals Service

represented by **Kevin J. Mikolashek**
United States Attorney's Office
2100 Jamieson Ave
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/11/2011	<u>1</u>	Freedom Of Information Act Petition against United States Marshals Service (Filing fee \$ 350 receipt number 14683022817.), filed by Kay Sieverding. (Attachments: # <u>1</u> A, # <u>2</u> B1, # <u>3</u> B2, # <u>4</u> B3, # <u>5</u> B4, # <u>6</u> C1, # <u>7</u> C2, # <u>8</u> Civil Cover Sheet, # <u>9</u> Receipt) (nhall) (Entered: 07/12/2011)
07/13/2011	<u>2</u>	Summons Issued and mailed to pro se plt for service by Certified Mail as to United States Marshals Service, U.S. Attorney and U.S. Attorney General. (nhall) (Main Document 2 replaced on 7/14/2011) (nhall). (Entered: 07/13/2011)
07/18/2011	<u>3</u>	NOTICE of Errata To <u>1</u> Freedom Of Information Act Petition by Kay Sieverding. (Attachments: # <u>1</u> Exhibit D, # <u>2</u> Letter)(nhall) (Entered: 07/19/2011)
07/21/2011	<u>4</u>	NOTICE of Appearance by Leslie Marie Gardner on behalf of United States Marshals Service (Gardner, Leslie) (Entered: 07/21/2011)
07/25/2011	<u>5</u>	CERTIFICATE OF SERVICE-United States Marshals Service Office Of General Counsel. (nhall) (Entered: 07/27/2011)
07/25/2011	<u>6</u>	CERTIFICATE OF SERVICE-Neil H. McBride (nhall) (Entered: 07/27/2011)
07/25/2011	<u>7</u>	CERTIFICATE OF SERVICE-Attorney General. (nhall) (Entered: 07/27/2011)
08/17/2011	<u>8</u>	First MOTION for Summary Judgment by United States Marshals Service. (Gardner, Leslie) (Entered: 08/17/2011)
08/17/2011	<u>9</u>	Memorandum in Support re <u>8</u> First MOTION for Summary Judgment filed by United States Marshals Service. (Attachments: # <u>1</u> Exhibit)(Gardner, Leslie) (Entered: 08/17/2011)
08/17/2011	<u>1</u> <u>0</u>	Roseboro Notice as to Motion for Summary Judgment by United States Marshals Service (Gardner, Leslie) (Entered: 08/17/2011)
08/17/2011	<u>1</u> <u>1</u>	Notice of Hearing Date set for 10/07/2011 re <u>8</u> First MOTION for Summary Judgment (Gardner, Leslie) (Entered: 08/17/2011)

08/17/2011		Set Deadline as to 8 First MOTION for Summary Judgment. - Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (tche) (Entered: 08/18/2011)
08/19/2011	1 2	AMENDED Freedom Of Information Act Petition against United States Marshals Service, filed by Kay Sieverding.(nhall) (Entered: 08/19/2011)
08/30/2011	1 3	MOTION To Further Amend Freedom Of Information Act Petition by Kay Sieverding.(Plt Notified To Notice Motion) (nhall) (Entered: 08/30/2011)
09/07/2011	1 4	Cross MOTION for Summary Judgment by Kay Sieverding. (Attachments: # 1 Exhibit E, # 2 Exhibit F, # 3 Exhibit G, # 4 Exhibit H, # 5 Exhibit I, # 6 Exhibit J, # 7 Exhibit K, # 8 Exhibit L, # 9 Exhibit M, # 10 Exhibit N, # 11 Exhibit O)(rban,) (Entered: 09/08/2011)
09/07/2011	1 5	Opposition to 8 First MOTION for Summary Judgment filed by Kay Sieverding. (Attachments: # 1 Exhibit E, # 2 Exhibit F, # 3 Exhibit G, # 4 Exhibit H, # 5 Exhibit I, # 6 Exhibit J, # 7 Exhibit K, # 8 Exhibit L, # 9 Exhibit M, # 10 Exhibit N, # 11 Exhibit O)(rban,) (Entered: 09/08/2011)
09/09/2011	1 6	MOTION to consolidate response to plaintiff's cross motion for summary judgment with reply in support of defendant's motion for summary judgment by United States Marshals Service. (Attachments: # 1 Proposed Order)(Gardner, Leslie) (Entered: 09/09/2011)
09/09/2011	1 7	NOTICE of Hearing on Motion 13 MOTION to Amend/Correct 1 Complaint, 12 Amended Complaint: Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 400 before Magistrate Judge Ivan D. Davis. (nhall) (Entered: 09/09/2011)
09/09/2011	1 8	NOTICE of Hearing on Motion 14 Cross MOTION for Summary Judgment: Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (nhall) (Entered: 09/09/2011)
09/09/2011	1 9	ORDER For good cause shown, It is hereby ORDERED that defendant's motion to consolidate response to plaintiff's cross motion for summary judgment and reply in support of defendant's motion for summary judgment (Doc. 16) is GRANTED. It is further ORDERED that defendant is directed to file its consolidated response to plaintiff's cross motion for summary judgment and reply in support of defendant's motion for summary judgment by 5:00 p.m., Thursday, September 22, 2011. (See Order For Details). Signed by District Judge T. S. Ellis, III on 9/9/11. (nhall) (Entered: 09/12/2011)
09/09/2011	2 0	NOTICE of proposed order granting petitioner's 14 Cross MOTION for Summary Judgment by Kay Sieverding (Attachments: # 1 Proposed Order)(nhall) (Entered: 09/12/2011)

09/09/2011	2 1	MOTION for Issuance of Subpoenas/Request for subpoena of William E. Bordley by Kay Sieverding. (Plt Notified To Notice Motion) (Attachments: # 1 Subpoena)(nhall) (Entered: 09/12/2011)
09/12/2011	2 2	Opposition to 13 MOTION to Amend/Correct 1 Complaint, 12 Amended Complaint filed by United States Marshals Service. (Attachments: # 1 Proposed Order)(Gardner, Leslie) (Entered: 09/12/2011)
09/15/2011	2 3	MOTION to Adduce Additional Evidence in Support of Pltf's Cross Motion for Summary Judgment by Kay Sieverding. (pmil) (Additional attachment(s) added on 9/16/2011: # 1 Exhibit P) (pmil,). (Entered: 09/16/2011)
09/15/2011	2 4	RESPONSE in Opposition to 8 First MOTION for Summary Judgment filed by Kay Sieverding. (pmil) (Additional attachment(s) added on 9/16/2011: # 1 Exhibit P) (pmil,). (Entered: 09/16/2011)
09/15/2011	2 5	(MOTION TO NOTICE)/NOTICE of Hearing on 23 MOTION to Adduce Additional Evidence in Support of Pltf's Cross Motion for Summary Judgment : Motion Hearing set for 10/7/2011 at 10:00 AM before District Judge T. S. Ellis III. (pmil) (Entered: 09/16/2011)
09/15/2011	2 6	SECOND MOTION to further narrow the scope of amended FOIA petition to regularly produced reports from the WIN system that include my name AND were previously provided to me by Kay Sieverding. (pmil) (Entered: 09/16/2011)
09/15/2011	2 7	(MOTION TO NOTICE) NOTICE of Hearing on 26 SECOND MOTION to further narrow the scope of amended FOIA petition to regularly produced reports from the WIN system that include my name AND were previously provided to me : Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (pmil) Modified on 9/16/2011 to edit text (pmil). (Entered: 09/16/2011)
09/15/2011	2 8	MOTION (together w/Notice) to Subpoena William E. Bordley by Kay Sieverding. (pmil) (Entered: 09/16/2011)
09/15/2011	2 9	NOTICE of Hearing on Motion 21 MOTION for Issuance of Subpoenas, 28 MOTION to Subpoena William E. Bordley : Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (pmil) (Entered: 09/16/2011)
09/19/2011		Per TSE Chambers Reset Deadlines as to 13 MOTION To Further Amend Freedom Of Information Act Petition by Kay Sieverding. Motion Hearing reset for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (stas) (Entered: 09/19/2011)

09/20/2011	30	MOTION For Mandatory Judicial Notice Under Rule 201(D) by Kay Sieverding. (Attachments: # 1 Attachment i, # 2 Attachment ii, # 3 Attachment iii, # 4 Attachment iv, # 5 Attachment v, # 6 Attachment vi, # 7 Attachment vii, # 8 Attachment viii, # 9 Proposed Order)(nhall) (Entered: 09/22/2011)
09/20/2011	31	NOTICE of Hearing on Motion 30 MOTION For Mandatory Judicial Notice Under Rule 201(D) MOTION For Mandatory Judicial Notice Under Rule 201(D) : Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (nhall) (Entered: 09/22/2011)
09/20/2011	32	NOTICE Of Errata by Kay Sieverding re 14 Cross MOTION for Summary Judgment. (nhall) (Entered: 09/22/2011)
09/22/2011	33	Memorandum in Opposition re 14 MOTION for Summary Judgment filed by United States Marshals Service. (Attachments: # 1 Exhibit, # 2 attachment)(Gardner, Leslie) (Entered: 09/22/2011)
09/22/2011	34	REPLY to Response to Motion re 8 First MOTION for Summary Judgment filed by United States Marshals Service. (Attachments: # 1 Exhibit, # 2 attachment)(Gardner, Leslie) (Entered: 09/22/2011)
09/22/2011	35	Memorandum in Opposition re 23 MOTION to Adduce Additional Evidence in Support of Pltf's Cross Motion for Summary Judgment filed by United States Marshals Service. (Gardner, Leslie) (Entered: 09/22/2011)
09/22/2011	36	Memorandum in Opposition re 26 MOTION to amend complaint filed by United States Marshals Service. (Gardner, Leslie) (Entered: 09/22/2011)
09/28/2011	37	Petitioner's response to USMS documents 33-36 and amended/corrected motion for adjudicative notice under Rule 201(d) (document 30) by Kay Sieverding. (Attachments: # 1 Proposed Order)(nhall) (Entered: 09/29/2011)
09/28/2011	38	NOTICE of Hearing on Motion 37 Petitioner's response to USMS documents 33-36 and amended/corrected motion for adjudicative notice under Rule 201(d) (document 30): Motion Hearing set for 10/7/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (nhall) (Entered: 09/29/2011)
09/28/2011	39	Motion for date of hearing originally scheduled 10/7 by Kay Sieverding. (nhall) (Entered: 09/29/2011)
09/28/2011	40	NOTICE of Change of Address From 641 Basswood Ave., Verona, WI 53593 To 6330 Copps Ave, Monona WI 53716 by Kay Sieverding (nhall) (Entered: 09/29/2011)

10/04/2011	4 1	ORDER. For the foregoing reasons, It is hereby ORDERED that plaintiff's "motion for date of hearing originally scheduled for 10/7" Doc. 39) is DENIED as MOOT because no hearing is necessary in this matter at this time. Accordingly, the October 7, 2011 hearing is CANCELLED. It is further ORDERED that USMS's motion for summary judgment (Doc. 8) is GRANTED insofar as the Court finds that the documents requested in Sieverding's original complaint have not been improperly withheld. It is further ORDERED that Sieverding's cross-motion for summary judgment in this respect (Doc. 14) is DENIED. It is further ORDERED that Sieverding's request for subpoena of William E. Bordley (Doc. 21) Sieverding's motion to adduce additional evidence (Doc. 23), and Sieverding's motion to notice motion to subpoena William E. Bordley (Doc. 28) are DENIED. It is further ORDERED that Sieverding's motion for mandatory judicial notice under Rule 201(d) (Doc. 30) and Sieverding's amended/corrected motion for adjudicative notice under Rule 201(d) (Doc. 37) are DENIED. It is further ORDERED that Sieverding's motion to further amend her petition (Doc. 13) is GRANTED. It is further ORDERED that Sieverding's first motion to amend her petition (Doc. 12) is DENIED as MOOT due to her late motions to amend. It is further ORDERED that Sieverding's "second" motion to amend (Doc. 26) is DENIED as MOOT as it restates the same requests as Sieverding's motion to further amend her petition (Doc. 13). It is further ORDERED that Sieverding is DIRECTED to file an amended complaint by 5:00 p.m., Tuesday, October 11, 2011. The amended complaint must be limited to the four types of reports listed in Sieverding's motion to further amend her complaint (Doc. 13) and cannot include the documents requested in Sieverding's original complaint (Doc 1), as those documents have not been improperly withheld by the USMS. I is further ORDERED that the USMS is DIRECTED to file an answer or other responsive pleading pursuant to Rule 12, Fed.R.Civ.P., and 5 U.S.C.A. § 552 (a)(4)(C) on or before 5:00 p.m., Friday, October 21, 2011. (See Order For Details). Signed by District Judge T. S. Ellis, III on 10/4/11. (nhall) (Entered: 10/04/2011)
10/07/2011	4 2	Amended Freedom Of Information Act Petition against United States Marshals Service, filed by Kay Sieverding.(nhall) (Entered: 10/12/2011)
10/11/2011	4 3	MOTION To Adduce Additional Documents In Support Of Hypothesis Re No WIN Records by Kay Sieverding. (Attachments: # 1 Proposed Order, # 2 Attachments Part I, # 3 Attachments Part II, # 4 Attachments Part III, # 5 Attachments Part IV)(nhall) (Entered: 10/12/2011)
10/20/2011	4 4	MOTION to Dismiss by United States Marshals Service. (Gardner, Leslie) (Entered: 10/20/2011)
10/20/2011	4 5	Memorandum in Support re 44 MOTION to Dismiss filed by United States Marshals Service. (Attachments: # 1 Exhibit Declaration)(Gardner, Leslie) (Entered: 10/20/2011)
10/20/2011	4 6	Roseboro Notice as to Motion to Dismiss by United States Marshals Service (Gardner, Leslie) (Entered: 10/20/2011)

10/21/2011		Notice of Correction re 44 MOTION to Dismiss. The filing user has been notified to file a Notice of Hearing Date or a Notice of Waiver of Oral Argument for document number. (nhall) (Entered: 10/21/2011)
10/24/2011	4 7	Notice of Hearing Date re 44 MOTION to Dismiss (Gardner, Leslie) (Entered: 10/24/2011)
10/25/2011		Set Deadlines as to 44 MOTION to Dismiss. Motion Hearing set for 12/2/2011 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 10/25/2011)
10/26/2011	4 8	Verified motion for summary judgment that USMS waived further administrative interactions with petitioner and Reply to defendant's motion to dismiss for lack of subject matter jurisdiction filed by Kay Sieverding. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(nhall) (Entered: 10/27/2011)
10/31/2011	4 9	Reply to Motion re 44 MOTION to Dismiss <i>Memorandum in Further Support</i> filed by United States Marshals Service. (Gardner, Leslie) (Entered: 10/31/2011)
11/01/2011	5 0	Petitioner's Consent Motion To Strike Her Document 48 Because She Overlooked 2 Pages Received From USMS on 9/17/2011 by Kay Sieverding. (Attachments: # 1 Proposed Order)(nhall) (Entered: 11/02/2011)
11/03/2011	5 1	ORDER granting 50 Motion to Strike only insofar as plaintiff may file one further memorandum, which will be both in support of her motion for summary judgment and in response to defendant's motion to dismiss. Plaintiff's motion is DENIED in all other respects; that plaintiff is DIRECTED to file this one further memorandum by 5PM 11/14/11; that defendant is DIRECTED to file a response by 5PM 11/21/11; that the hearing in this matter scheduled for 10AM 12/2/2011 is CANCELLED. Following the filing of the further memoranda, plaintiff's motion for summary judgment and defendant's motion to dismiss will be decided without oral argument and without any further memoranda by the parties. Signed by District Judge T. S. Ellis, III on 11/3/2011. (krob,) (Entered: 11/03/2011)
11/07/2011	5 2	NOTICE of Change of Address by Kay Sieverding from 6330 Copps Ave Monona, WI 53716 to 3411 Mounring Dove Lane, Jacksonville Beach, Florida 32250. (nhall) (Entered: 11/08/2011)
11/14/2011	5 3	Objection To USMS Motion To Dismiss And Petitioner's Motion For Summary Judgment filed by Kay Sieverding. (Attachments: # 1 Exhibit EE, # 2 Exhibit FF Part I, # 3 Exhibit FF Part II, # 4 Exhibit GG, # 5 Exhibit HH, # 6 Exhibit II, # 7 Exhibit JJ, # 8 Exhibit KK, # 9 Exhibit LL, # 10 Proposed Order)(nhall) (Entered: 11/16/2011)
11/17/2011	5	NOTICE of Appearance by Kevin J. Mikolashek on behalf of United States Marshals

	4	Service (Mikolashek, Kevin) (Entered: 11/17/2011)
11/21/2011	5 5	REPLY to Response to Motion re 44 MOTION to Dismiss <i>and in Opposition to Plaintiff's Motion for Summary Judgment</i> filed by United States Marshals Service. (Mikolashek, Kevin) (Entered: 11/21/2011)
12/13/2011	5 6	ORDER. Accordingly, and for good cause, It is hereby ORDERED that defendant is DIRECTED to file a supplemental memorandum that addresses the FOIA requests for WIN records that plaintiff alleges she made prior to filing her amend complaint. Defendant must file this supplemental memorandum no later than 5:00 p.m., Wednesday, December 28, 2011. It is further ORDERED that plaintiff is GRANTED LEAVE to file a response to defendant's supplemental memorandum only if plaintiff has further information relating to this narrow issue that has not been included in any prior memoranda. This memorandum, if submitted, must be filed no later than 5:00 p.m., Friday, January 6, 2012. (See Order For Details). Signed by District Judge T. S. Ellis, III on 12/13/11. (nhall) (Entered: 12/13/2011)
12/28/2011	5 7	Memorandum in Support re 44 MOTION to Dismiss <i>Supplemental Memorandum</i> filed by United States Marshals Service. (Attachments: # 1 Exhibit)(Mikolashek, Kevin) (Entered: 12/28/2011)
01/05/2012	5 8	Response to USMS's 57 "Supplemental Memorandum in Support of Deft's Motion to Dismiss and in Opposition to Pltf's Motion for Summary Judgment" filed by Kay Sieverding. (Attachments: # 1 Exhibit MM, # 2 Exhibit NN, # 3 Envelope)(stas) (Entered: 01/09/2012)
02/28/2012	5 9	ORDER. Accordingly, and for good cause, It is hereby ORDERED that the parties are DIRECTED to comply with the following briefing schedule. It is further ORDERED that this matter is SCHEDULED for a hearing, if necessary, at 2:00p.m., Friday, March 30, 2012. (See Order For Details). Set Hearing for 3/30/2012 at 02:00 PM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. Signed by District Judge T. S. Ellis, III on 2/28/12. (Copy Of Order Mailed 2/29/12 To Pro Se Plt)(nhall) (Entered: 02/29/2012)
03/07/2012	6 0	Memorandum <i>Responding to</i> to 59 Order, Set Deadlines/Hearings,, filed by United States Marshals Service. (Attachments: # 1 Exhibit 1)(Mikolashek, Kevin) (Entered: 03/07/2012)
03/08/2012	6 1	ORDER. Accordingly, and for good cause, It is hereby ORDERED that the Clerk is DIRECTED to send a copy of this Order to plaintiff and all counsel of record. (See Order For Details). Signed by District Judge T. S. Ellis, III on 3/8/12. (Copy Of Order Mailed 3/8/12 To Pro Se Plt).(nhall) (Entered: 03/08/2012)
03/14/2012	6 2	Plaintiff's Reply To USMS'S 60 Second Supplemental Memorandum In Support Of Defendant's Motion To Dismiss And In Opposition To Plaintiff's Motion For Summary Judgment filed by Kay Sieverding. (nhall) (Entered: 03/14/2012)

03/15/2012	63	Exhibits Supporting Reply by Kay Sieverding. (nhall) (Entered: 03/19/2012)
03/19/2012	64	REPLY to Response to Motion re 44 MOTION to Dismiss filed by United States Marshals Service. (Mikolashek, Kevin) (Entered: 03/19/2012)
03/30/2012	65	MOTION to Amend 1 Complaint, by Kay Sieverding. (Attachments: # 1 Proposed Amended Complaint, # 2 Proposed Order)(nhall) Text Modified on 3/30/2012 To Reflect Plt To Notice Motion (nhall). (Entered: 03/30/2012)
03/30/2012	66	Minute Entry for proceedings held before District Judge T. S. Ellis, III: Evidentiary Hearing held on 3/30/2012 re 44 MOTION to Dismiss filed by United States Marshals Service. Evidence adduced. Motion is granted (see minute for details). Appearance: pro se litigant; K. Mikolashek. (Court Reporter T. Westfall) (nmcc) (Entered: 03/30/2012)
03/30/2012	67	ORDER, for the reasons stated from the bench, denying without prejudice 65 Motion to Amend/Correct. Signed by District Judge T. S. Ellis, III on 3/30/2012. (rbn,) (Entered: 04/02/2012)
03/30/2012	68	ORDER granting 43 Motion To Adduce Additional Documents In Support Of Hypothesis Re No WIN Records. ORDERED that the motion is granted insofar as the documents are made a part of this record, although upon review, they are determined to be immaterial to the disposition of this matter. Signed by District Judge T. S. Ellis, III on 3/30/2012. (rbn,) (Entered: 04/02/2012)
04/06/2012	69	ORDERED that summary judgment is GRANTED for defendant insofar as defendant has released to plaintiff all documents in its possession that are listed in plaintiff's amended complaint. It is further ORDERED that the Clerk is DIRECTED to enter judgment in favor of defendant pursuant to Rule 58, Fed.R.Civ.P. (see order for details). Signed by District Judge T. S. Ellis, III on 4/6/2012. (nmcc) (Entered: 04/09/2012)
04/09/2012	70	CLERK'S JUDGMENT. Signed by District Judge T. S. Ellis, III on 4/9/2012. (nmcc) (Entered: 04/09/2012)

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